



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE COMBAT TEAM
1ST BRIGADE COMBAT TEAM
(b)(1)
APO AE 09376

REPLY TO
ATTENTION OF:

(b)(2) LOW

MEMORANDUM FOR Captain (b)(6) Headquarters and Headquarters
Company, 1st Brigade Combat Team, Multinational Division Baghdad, (b)(1)
Iraq APO AE 09376

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. This confirms your per voco appointment as an investigating officer, pursuant to AR 15-6, to conduct an informal investigation into the facts and circumstances surrounding an escalation of force resulting in the death of one local national.
2. You will:
 - a. Make findings as to whether Soldiers from the BSTB complied with the Rules of Engagement and used proper escalation of force;
 - b. Make findings as to the identity of the individual engaged by US forces;
 - c. Make any other findings you deem appropriate in connection with the above matters.
3. You will make recommendations based upon your findings.
4. All witness statements will be sworn on DA Form 2823, if possible. If written statements cannot be obtained, you will summarize the content of any conversations and attach them to your report. If during the course of your investigation, you develop information suggesting a person has violated the Uniform Code of Military Justice, you will advise the person of his or her Article 31 UCMJ rights before questioning the person. Use DA Form 3881 to conduct any such rights advisement.
5. Use the informal procedures set out in AR 15-6 in your investigation. You will submit the findings and recommendations, original and two copies, of your report as exhibits to the Staff Judge Advocate on DA Form 1574 within ten days of receipt of this appointment. Any requests for extensions should be made through your legal advisor to me.

(b)(2)Low

SUBJECT: Appointment as AR 15-6 Investigating Officer

6. This investigation takes priority over all other duties. You should contact MAJ (b)(6) (b)(6) 1st Brigade Combat Team, for a procedural briefing prior to initiating your investigation. If you have any questions, MAJ (b)(6) can be reached at the 1BCT TOC.

(b)(6)

Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE SPECIAL TROOPS BATTALION
10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
(b)(1) IRAQ APO AE 09376

(b)(2) Low

23 October 2005

MEMORANDUM FOR COMMANDER, 1st Brigade Combat Team, (b)(1) Iraq
APO, AE 09376

SUBJECT: 15-6 Investigation, Escalation of Force, A/1st BSTB

1. I have read the report and concur with the findings of the Investigating Officer. The actions taken by the Soldiers of A/1st BSTB were within the procedures established by the Brigade, Battalion and Company and consistent with the Rules of Engagement (ROE).

2. POC for this memorandum is the undersigned at 242-4922.

(b)(6)

LTC, MI
Commanding

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by LTC (b)(6) (Appointing authority)

on _____ (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at _____ at _____ (Time)

on _____ (Date) (If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at _____ on _____ (Time) (Date)
and completed findings and recommendations at _____ on _____ (Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO ¹⁾	NA ²⁾
1. Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?		X	
b. Copy of notice to respondent, if any? (See item 9, below)			X
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements (Certificate, if statement provided orally)?			X
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g. Information as to sessions of a formal board not included on page 1 of this report?			X
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1) Explain all negative answers on an attached sheet.

2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO ¹⁾	NA ²⁾
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?			
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	X		
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate --			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

FOOTNOTES: 1) Explain all negative answers on an attached sheet.

2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

See attached memorandum.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

See attached memorandum.

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

(b)(6)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) ~~(b)(6)~~ ~~approved~~ ~~(disapproved)~~ ~~(approved with following exceptional substitutions)~~. (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

(b)(6)

DEPARTMENT OF THE ARMY
HQ, 1ST BRIGADE COMBAT TEAM, 10TH MOUNTAIN DIVISION (LI)
(b)(1) IRAQ APO AE 09376

(b)(2)Low

15 October 2005

MEMORANDUM FOR RECORD

SUBJECT: A/IBSTB, Escalation of Force, 15-6 Investigation (13 October 2005)

1. **PURPOSE.** The purpose of this memorandum is to document my findings and present recommendations regarding my investigation of an escalation of force incident involving A/IBSTB on 13 October 2005.

2. **FINDING.** I find that the actions taken by soldiers of A/IBSTB on the afternoon of 13 October 2005 at the intersection of Routes (b)(1) were commensurate with established and published brigade, battalion, and company guidelines.

3. **FACTS.**

A. While on site, attempting to disable an IED located at (b)(1) a L/N approached the (b)(2)Low team via an alleyway, traveling from East to West (see diagram; Buffalo is vehicle number 5).

B. Upon identification of the L/N, all personnel located in vicinity of vehicles 1, 2, and 3 (see diagram) began signaling - using vehicle horns, shouting, and waving - to stop the L/N's advance.

C. The L/N continued to advance and SPC (b)(6) fired a warning shot.

D. The L/N acknowledged the warning by stopping, turning around, and moving back East along the alleyway.

E. Approximately 10-20 minutes later, the same L/N approached the Buffalo vehicle, this time approaching from North to South (see diagram "L/N Final Approach").

F. Upon identification of the L/N, all personnel, again, began signaling; the L/N continued to approach.

G. Both SGT (b)(6) (located to the west of vehicle number 1) and SGT (b)(6) (located between vehicles 1 and 2) fired warning shots at the L/N.

H. The L/N stopped, acknowledged both warning shots, and continued advancing toward the Buffalo vehicle.

I. At approximately 30m from his location in the turret of vehicle number 3, SPC (b)(6) fired one, short burst of 3 to 5 rounds from his M249, wounding the L/N.

J. SGT (b)(6) SPC (b)(6) and PFC (b)(6) immediately approached the L/N - who was, at this point, lying on the ground and bleeding - and moved him back to a safe location between vehicles 2 and 4.

K. PFC (b)(6) unit medic, began administering aid to the L/N.

(b)(2)Low

SUBJECT: A/1BSTB, Escalation of Force, 15-6 Investigation (13 October 2005)

4. **DISCUSSION.**

A. The facts previously listed were gleaned from sworn statements provided by soldiers involved in the incident (see Exhibits C thru T) and interviews held with soldiers on the evening of 14 October 2005. I believe the L/N demonstrated hostile intent by acknowledging the warning shots and continuing to advance. The L/N's actions, eerily, resemble those of reported suicide bombers, and further support my position of hostile intent.

B. As of the authoring of this document, final disposition of the wounded L/N is still unknown. MAJ (b)(6) 42nd MP Brigade S3, has his MP units contacting local Iraqi Police to gather further information on this incident.

(b)(6)

6. POC for this document is the undersigned at VOIP (b)(2)Low or

(b)(6)

(b)(6)

Page 10 redacted for the following reason:

(b)(1)

1. **PURPOSE.** To report critical and time sensitive events to the Commanding General (CG).

2. **SCOPE.** This tab applies to all units assigned or task organized to 3d IN Div (Mech).

3. **PROCEDURES.** Commander's Incident Report (CIR) is intended to provide the CG with immediate notification of an incident involving 3d IN Div (Mech) soldiers and/or equipment. As much information as possible should be included in the initial report but immediate notification should not be delayed unnecessarily. Additional information should be provided as soon as possible.

4. **CIR will be submitted in following format:**

LINE 1: Unit reporting: 1 BSTB

LINE 2: Incident: EOF

LINE 3: Date/time group (DTG) incident occurred: 131424OCT05

LINE 4: Location of incident: (b)(1)

LINE 5: Personnel involved

Name	Rank	Unit	SSN	Sex	Age	Race
(b)(6)	2LT	A/1BSTB	(b)(6)	M		(b)(6)

LINE 6: Summary of incident: 131424OCT05: LT (b)(6) is the OSC for EOD escort. EOD arrived on an IED site via (b)(1) 1-87 (outer cordon) reported that (b)(2) Low (b)(6) fired a warning shot at a vehicle that did not stop and was approaching the IED. LT (b)(6) is responsible for setting the inner cordon. Reportedly, the round ricocheted off the ground and struck the LN driving the vehicle through the abdomen. A/1BSTB is continuing mission and LN is being medevaced.

LINE 7: Damage to government and/or civilian property: 1x LN wounded.

LINE 8: Commander reporting: 1BSTB BTL CPT, 1LT (b)(6), (b)(2) Low

On Scene Commander will provide full details after mission complete.

Exhibit A

AMENDED BASED ON DEBRIEF

1. **PURPOSE.** To report critical and time sensitive events to the Commanding General (CG).
2. **SCOPE.** This tab applies to all units assigned or task organized to 3d IN Div (Mech).
3. **PROCEDURES.** Commander's Incident Report (CIR) is intended to provide the CG with immediate notification of an incident involving 3d IN Div (Mech) soldiers and/or equipment. As much information as possible should be included in the initial report but immediate notification should not be delayed unnecessarily. Additional information should be provided as soon as possible.
4. **CIR will be submitted in following format:**

LINE 1: Unit reporting: 2nd Platoon, A Co, 1st BSTB

LINE 2: Incident: Escalation of force, gunshot wounds local national

LINE 3: 131420OCT05

LINE 4: Location of incident: (b)(1)

LINE 5: Personnel Involved (based on initial report):

LAST NAME	FIRST NAME	MI	RANK	UNIT	SSN	SEX	DOB	AGE	ETH GRP
(b)(6)			LT	2/A/1BSTB	(b)(6)	M			(b)(6)
			SPC	2/A/1BSTB		M			
			PFC	2/A/1BSTB		M			
			PFC	2/A/1BSTB		M			
			SGT	2/A/1BSTB		M			
			SSG	2/A/1BSTB		M			
			PFC	2/A/1BSTB		M			
			PFC	2/A/1BSTB		M			
			SPC	2/A/1BSTB		M			

LINE 6: Summary of incident: During an EOD escort mission, 2nd platoon was located at (b)(1) (b)(1) when a local national on foot entered the exit ramp from the residential area to the east of the IED, and upon entering the exit ramp he was inside of the outer cordon. When the security detail saw the local national they immediately began shouting and waving to the local national to get him to clear the area, however he continued to walk towards the EOD element. SGT (b)(6) fired one warning shot when the LN was approximately 30m away. The LN did not flinch or change course when the shot was fired, and PFC (b)(6) fired 2 shots in one burst with the M249 mounted on one of the turrets. The first round was aimed at the feet of the LN, and the second round rose and hit him in the (b)(6) 2 personnel were immediately sent to bring the LN back to the inner cordon, and the medics attached to both

Exhibit B

EOD escort and (b)(2)Low treated him at that time. After treatment, IPs picked up the LN to transport him to the hospital.

LINE 7: Damage to government and/or civilian property: One LN wounded.

LINE 8: Commander reporting: (b)(6) A Co CDR

AMENDED BASED ON DEBRIEF

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(1) Iraq	2. DATE (YYYYMMDD) 2005 10 15	3. TIME 1330	4. FILE NUMBER
5. (b)(6)	6. (b)(6)	7. GRADE/STATUS O-3/CPT	
8. ORGANIZATION OR ADDRESS ACC 1st BSTB 110 MTN			

9. I, CPT (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 On 13 OCT 05, I accompanied my 1st platoon on a (b)(2) Low Route (b)(1) operation. As we were conducting an interrogation along the North (b)(1) access ramp, the buffalo confirmed an IED. Two vehicles which were in front of the Buffalo secured the North (b)(1) lanes to shut down vehicle traffic. The two trail vehicles, which were behind the Buffalo, cordoned the (b)(1) intersections East and West. It was apparent that we did not have sufficient combat power to cordon the area. Requested assistance from (b)(2) Low for additional vehicles. 4 vehicles arrived from 1-87 which went to secure the South (b)(1) lanes as well as as East (b)(1). In my opinion, we still required additional forces to secure the site so we requested additional forces from Summit 1-1. I believe 2 vehicles from the 42nd BDE arrived and were dispatched to reinforce the cordon to the West (b)(1) intersection. At this point, I felt comfortable with the outer cordon and EOD's ability to conduct their mission without being in danger. EOD arrived on the scene and located their inner cordon directly behind the buffalo vehicle. They immediately conducted a 5m and 25m sweep of their area and began deploying the robot. I linked-up with LT (b)(6) and started to discuss the situation. We were both located behind the two vehicles of the inner cordon when we heard the Buffalo horn and several soldiers shouting stop, Kief, and the Humvee blowing

10. EXHIBIT C	11. INITIALS (b)(6)	MAKING STATEMENT	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE RE-INDICATED.

STATEMENT OF

(b)(6)

TAKEN AT

1600 hrs

DATED

14 SEP 05

9. STATEMENT (Continued)

their horn. I then heard two shots fired from M4s. I then heard a three-round burst from an M249. I asked LT (b)(6) to find out what was happening. He proceeded to move back to his vehicle and talk to his NCOIC. I moved around to the front of the vehicles so I could see what happened. I observed a LN laying down on the road. LT (b)(6) then told me one of his Soldiers had shot a LN who had refused to prior escalation of force warnings. I was later told he had approached the cordon earlier and had been told to move back, which he did. I was also later told SGT (b)(6) and SGT (b)(6) had fired warning shots, which he acknowledged but ignored. I then ordered LT (b)(6) to send some Soldiers out to recover the LN. The LN was recovered and brought back to the vicinity of EODs HAMMUR. Our medics began to treat him and I directed LT (b)(6) to call for the JPs and an ambulance. At this point, I noticed BG (b)(6) ^{Horst} was on the scene and he walked up to my location and began asking what happened. I explained to him we had an IED and a LN had either tried to approach the IED or the EOD vehicles, I was unsure at that point. He asked who fired the shot, I replied I did not know yet. He replied that he wanted to talk to the gunner, I replied he was still pulling security and I didn't know who actually fired the shot. The JPs arrived and I asked them if they could evacuate the LN and take him to the hospital. The JPs responded that they would take him to the hospital and evacuate him using their pick-up

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE

2 OF

PAGES

STATEMENT OF (b)(6) TAKEN AT 1600 hrs DATED 14 SEP 05

9. STATEMENT (Continued)

→ truck. The IPs then backed their pick-up to our location. BG ^{Horst} (b)(6) said we needed an Iraqi ambulance to evacuate the LW. I replied we had called 1-87 and requested an ambulance but they could not guarantee it would arrive.

→ BG ^{Horst} (b)(6) then directed me to load the LW on the IP truck and send my medic with him to ensure he was kept stable. I asked him again if he wanted my medic to go and he said yes because he has an I.V., your medic needs to go. I instructed LT (b)(6) to prepare to escort the IP truck to the hospital. This also decreased the security of the site because the route clearance vehicles were being used in the outer cordon. As LT (b)(6) began pulling in his vehicles,

→ I moved back to the LW. BG ^{Horst} (b)(6) said that I did not have to send my medic along because he had pulled his IV out. The IPs then loaded the LW and evacuated him. We then heard large volumes of small-arms fire as well as 30mm fire. It appeared to come from the outer cordon on North (b)(1). I asked LT (b)(6) for a sitrep and he said the Bradley was engaging AIF. Shortly after, SGT (b)(6) and I received small-arms fire extremely close to our positions. We took cover behind LT (b)(6) vehicle and observed the buildings to our East and West. I also believe that vehicles from 1-87 were engaged but I could not confirm it at that time.

SGT (b)(6) got my attention and said there was a group of individuals over by the guard rail at the overpass. I moved over to see

INITIALS OF PER (b)(6) STATEMENT

PAGE 3 OF 4 PAGES

STATEMENT OF

(b)(6)

TAKEN AT

1600 hrs

DATED

14 SEP 05

9. STATEMENT (Continued)

if ~~there were~~ my Soldiers and why they standing in the open. I saw
 BG (b)(6) sitting on the guard rail surrounded by his PSD. LT (b)(6)
 received air clearance and EOD detonated the IEDs. However, before the
 detonation, (b)(2) Low 3-7 called LT (b)(6) and said BG (b)(6)
 had instructed them to move North and they were breaking the cordon.
 LT (b)(6) instructed them to remain in place, EOD had not detonated yet.
 After returning back to the FOB, I then found out the LN had approached the
 cordon before, he was approximately 10-20m in front of the Buffalo
 and PFC (b)(6) had shot him. SSG (b)(6) and SGT (b)(6) said he used
 "text book" escalation of force. Also, the LN was dressed in all white,
 no beard, had no F.O. and was carrying a large handful of money.
 I thought he was a suicide bomber and I am sure my Soldiers did
 as well. I stand behind all of their actions and I believe
 proper escalation of force was used.

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
 WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE
 BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE
 CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT
 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

WITNESSES:

(b)(6)
 A Co 1st BSB (b)(1) J. J. J.
 OR (b)(6)
 (b)(6)
 A Co 1st BSB (b)(1) J. J. J.
 (b)(6)

Subscribed and sworn to before me, a person authorized by law to

administer oaths, on this 14 OCT 05
 at (b)(1) IRAQ

(Typed Name of Person Administering Oath)

LT, USA
 (Authority To Administer Oaths)

INITIALS OF PERSON STATEMENT

(b)(6)

PAGE 4 OF 4 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is QDCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(1) Iraq	2. DATE (YYYYMMDD) 2005 10 14	3. TIME 1130	4. FILE NUMBER
(b)(6)	(b)(6)	(b)(6)	7. GRADE/STATUS 2LT

5. ORGANIZATION OR ADDRESS
ACB LBSTB 1/10 MTN

9. I, 2LT (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approximately 1400 on October 13 while on site with 500, an escalation of force incident occurred. My platoon was staged in a box formation on the south end of the exit ramp from (b)(1) to North bound (b)(1). Soldiers reported seeing a local national (LN) approach our location from the north on the same exit ramp as the IED. He entered the exit ramp from the east where a local road provides access to a residential area. At this point he was already between our location and that of the IED and well within the outer cordon located 2-300m past him to the north. The soldiers with security on the North side of the inner cordon including SGT (b)(6) a dismount and PFC (b)(6) a turret gunner began yelling and waving immediately to get the LN to leave the area and move east, however he continued towards them. They then pointed their weapons at him in a show of force and the Buffalo, which was parked between the inner cordon and the IED used its air horn, but the LN continued. At approximately 40m from the inner cordon, SGT (b)(6) fired a warning shot to the side of the LN, but he just acknowledged it with a look and continued. At this point everyone realized that something was wrong and continued to yell & wave to get him away. PFC (b)(6) then used a laser range finder to verify the distance to the LN. When he reached 29m from the inner cordon, and thus approximately 15m from the buffalo he let out a short burst with the saw. The LN dropped immediately. After waiting approximately 30 seconds to see any movement or reaction, I sent 2 dismounts, SGT (b)(6) and SFC (b)(6) to bring the LN back to our location for treatment. At this point, the LN was only about 20m from the IED.

10. EXHIBIT D	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

(b)(6)

TAKEN AT

(b)(1)

Iraq DATED 17 OCT 2005

9. STATEMENT (Continued)

and in the open, so he was brought back for treatment by medics from both EOD escort and the (b)(2)LOW patrol. I also contacted (b)(2)LOW to request an ambulance for a wounded LN. (b)(6) and (b)(6) brought him to a covered location at the rear of our box formation and the medics began treatment. I then noticed a large group of military personnel that entered my area and realized that it was B6 (b)(6) with his Personal Security Detachment (PSD). They arrived on foot, and I did not see their vehicle at any time. He immediately recognized me as the platoon leader and began questioning me, however I was not able to answer most of his questions because I was focused on current operations including treatment of the wounded LN and destruction of an active IED, and had not yet questioned my gunner or squad leaders. IPs arrived on the scene quickly and wanted to transport immediately in the back of a pick-up truck, however B6 (b)(6) ~~refused~~ refused them saying that the LN needed an ambulance and that he would "bleed out" if moved by truck.

The IPs asked me through the General's interpreter for my unit's contact information & it took me some time to figure out what they wanted, but eventually I gave them an Iraqi Claim Card filled out with our unit information. At this point B6 (b)(6) conceded to allow the LN to move by truck, but demanded one of my medics to ride in the back of the truck with the LN to provide care in-route. While moving the LN into a stretcher, the

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 4 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. (b)(1) <u>Iraq</u>	2. DATE (YYYYMMDD) <u>2005 10 14</u>	3. TIME <u>1130</u>	4. FILE NUMBER
5. (b)(6)	6. (b)(6)	7. GRADE/STATUS <u>2LT</u>	
8. ORGANIZATION OR ADDRESS <u>A Co 1B5TB 1/10 MTN</u>			

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

IV came out of his arm, and after 2 attempts to replace it, B6 (b)(6) Horst made the call to transport with No IV and determined that if no IV was in place then a medic did not need to move with the CAS to the hospital.

As the (b)(6) IPs left with the wounded LV, a fire fight erupted to the north and radio traffic confirmed a small arms engagement. I noticed a group of soldiers at the guard rail protecting vehicles from the drop to Rt (b)(1) below, and out in the open, but I did not recognize them and realized they were B6 (b)(6) Horst and his PSD,

At this time EOD was ready to conduct the blast, however CAS for the battle to the North had canceled our air clearance and (b)(6) I began working on air clearance again. Looking around, B6 (b)(6) Horst and his PSD could no longer be found, and presumably they walked back out of the cordon. I also received a radio call from (b)(2) Low 3-7, the outer cordon element stating that "The general ordered us to move north and support the fight." I responded, "Negative. You must remain in place until EOD operations are complete," (b)(6) and they responded "Roger." At this time I requested Emergency/ immediate air clearance so that I could move EOD and any soldiers to a safe location and also free up the outer cordon. Air clearance came quickly and we conducted a controlled Detonation of the IED. At this point the outer cordon was gone leaving some areas unsecured, and I began movement as soon as EOD had picked up their shock tube. We then returned to (b)(1) Nothing follows

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	2 (b)(6) PAGES OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(1)	2. DATE (YYYYMMDD) 20051014	3. TIME 1701	4. FILE NUMBER
5. MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS O-2/Active	

1st ALT/ALCO/1st BSLB

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the afternoon of 13 OCT of my element had found an IED on the (b)(1) intersection we had cordoned off the area with the assistance of 4 gun trucks from (b)(2) Low (1-87) and 3 gun trucks from an unknown element. The cordon went without incident until EOD arrived. EOD set up behind the Buffalo and deployed its robot on (b)(1) just south of the merge that puts you on (b)(1) north, 50-75m from the IED. I did not see (b)(6) the firing on the shots that hit the local national but I did see two 2nd PLT (b)(6) soldiers risk their lives by getting within 35m from the suspected IED to drag the local national behind the buffalo. I radioed for my medic and he began applying first aid (b)(6) to the wounded local national. On or about this time BG (b)(6) arrived on sight he told my company commander who told me to CASEVAC the local national to a local hospital. I recalled to vehicles from my northern cordon but when the vehicles arrived my commander told me to disregard. I then returned these to vehicles to the northern portion of the cordon. A little while after (b)(6) I received radio traffic from (b)(2) Low that all combat units were being ordered up North! and he wanted to know when the IED would be blown. I told him to standby and about 3-10 mins later EOD blew the IED when I went to check on

10. EXHIBIT E	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" _____ TAKEN AT _____ DATED _____

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STATEMENT OF

(b)(6)

TAKEN AT

14 OCT 05

(b)(1)

9. STATEMENT (Continued)

(b)(2) Low

they had departed by cordon and left the South of my cordon un-protected without my knowledge. Somewhere in this time frame BB (b)(6) Horst told me to have the Bradleys in contact stop firing into the building to the north firing on one of my vehicles that had returned to its cordon position because his PSD was going to enter the building.

(b)(6)

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6)

(Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE

OF

PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(1) IEAQ	2. DATE (YYYYMMDD) 10051013	3. TIME 1649	4. FILE NUMBER
5. NAME (LAST, FIRST, MIDDLE NAME) (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-6	
8. ORGANIZATION OR ADDRESS A Co 1st BSB			

9. I, SSG (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 13 OCT 05, SHORTLY AFTER 1520, A LOCAL NATIONAL APPROACHED OUR SECURITY CORDON. APPROXIMATELY 15-20 MINUTES PRIOR, THIS SAME INDIVIDUAL APPROACHED THE CORDON FROM THE EAST. ESCALATION OF FORCE WAS USED UP TO 1 WARNING SHOT BEING FIRED BY SPC (b)(6). THE LOCAL NATIONAL TURNED AROUND AND WALKED AWAY. WHEN WE SAW HIM AGAIN, HE WAS WALKING TOWARD US, FROM THE NORTH, ON THE EXIT RAMP TO THE NORTH BOUND LANE OF RTE (b)(1). AGAIN, THE RULES OF ENGAGEMENT AND ESCALATION OF FORCE WERE FOLLOWED. SPC (b)(6) WAS YELLING "IMCHEE" AND MOTIONING FOR THE INDIVIDUAL TO MOVE AWAY. AT THE SAME TIME SGT (b)(6) SPC (b)(6) AND MYSELF WERE ALSO MOTIONING AND YELLING TO THE INDIVIDUAL AS HE CONTINUED TO WALK TOWARD US, SGT (b)(6) AND SPC (b)(6) POINTED THEIR WEAPONS AT THE INDIVIDUAL. AS THIS WAS GOING ON, THE BUFFALO WAS BLOWING ITS AIR HORNS AND SOMEONE WAS YELLING OVER A P.A. SYSTEM IN AN MH4. THE INDIVIDUAL CONTINUED TO APPROACH AND SGT (b)(6) FIRED 1 WARNING SHOT AT THE LOCAL NATIONAL'S FEET, WHICH STRUCK THE CURB A COUPLE OF FEET IN FRONT OF HIM. THE INDIVIDUAL CONTINUED TOWARD US FOR A COUPLE OF SECONDS WHEN SPC (b)(6) FIRED A 4-5 RD. BURST FROM HIS M249. THE INDIVIDUAL CRUMPLED TO THE GROUND AND LAYED THERE. I WENT OVER TO CPT (b)(6) WHO WAS BEHIND THE TRAIL MH4, TOLD HIM THE LOCAL HAD BEEN SHOT. I ASKED IF WE NEEDED TO GET OUR MEDIC TO TREAT HIM. CPT (b)(6) SAID YES AND I GOT PFC (b)(6) OUT OF THE VEHICLE AND READY TO TREAT THE INDIVIDUAL. PFC (b)(6) SPC (b)(6) AND SGT (b)(6) BROUGHT THE INDIVIDUAL INSIDE OUR CORDON AND PFC (b)(6) AND ANOTHER MEDIC BEGAN TREATING HIS WOUNDS. THE DISTANCE AT WHICH THE INDIVIDUAL WAS SHOT WAS 29M AS CONFIRMED BY A LAZER RANGE FINDER PRIOR TO MOVING HIM INSIDE OUR CORDON.

13 OCT 05
 NOTHING FOLLOWS

10. EXHIBIT F	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

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SWORN STATEMENT

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PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(1)	2. DATE (YYYYMMDD) 2005 10 13	3. TIME 1709	4. FILE NUMBER
5. NAME (b)(6)	6. GRADE/STATUS (b)(6)		7. GRADE/STATUS E-5

8. ORGANIZATION OR ADDRESS

A Co 185TB

9. I, SGT (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 On the day of 13 OCT 2005 my EOD escort Team was at the intersection of (b)(1) north, where a local national walked from the east 2-5 meters in front of our position. SPC (b)(6) & I yelled I see to word him off he kept moving toward, (b)(6) shot a warning shot in front of him. he turned around & quickly walked around the east side of the line of houses down an alley way. about 10 to 15 mins later he walked directly at us on the same road. the IED (b)(6) and we were on. We yelled again several times then our siren sound, and then the Buffalo sounded the air horn. I shot a warning shot to his right. he kept walking toward the my gunner SPC (b)(6) shot a 4 to 5 round burst from his saw. he hit the local national in the gut. PFC (b)(6), SPC (b)(6) an I went out to recover the wounded local national when we got up to him. There was a roll of 20 dollar bills in Iraqi money around his body, he was clean shaven and in a white man dress. we carried him back to the vehicles where PFC (b)(6) (our medic) start treatment on The local national. End of Statement.

(b)(6)

10. EXHIBIT G	11. PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION INTERSECTION OF (b)(1)	2. DATE (YYYYMMDD) 2005/10/13	3. TIME 1942	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-5/Active	
8. ORGANIZATION OR ADDRESS 1st PLATOON ACO 1st BSB 10th MTN DIV (LI)			

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON THE DEFENSION OF 13 OCT 2005, OUR ELEMENT DISCOVERED AN IED AT THE INTERSECTION OF (b)(1). WE BLOCKED OFF ALL MAIN ROADS AND SERVICE ROADS IN ORDER TO PREVENT CIVILIAN TRAFFIC THROUGH OUR CORON. AT THE WIDEST POINT FROM NORTH TO SOUTH OUR CORON WAS APPROXIMATELY 8-1200 METERS FROM ONE SIDE TO THE OTHER. FROM EAST TO WEST APPROXIMATELY 800 METERS AT THE WIDEST POINT WE HAD TRAFFIC COMPLETELY SHUT DOWN THEREBY REDUCING RISK OF INJURY OR DEATH BY THE IED TO BOTH SOLDIERS AND LOCAL NATIONALS. A VEHICLE, A-16 HELD THE EASTERN SIDE OF THE PERIMETER UNTIL WE HAD SUPPORT FROM ANOTHER UNIT ARRIVE AT OUR LOCATION AND RELIEVE US IN PLACE. AFTER WE WERE RELIEVED, WE TOOK OUR VEHICLE BACK TO THE CENTER TO MAKE LINE UP WITH EDD AND THEIR ESCORT ELEMENT. AFTER MAKING LINE UP I MOVED BACK TO THE VEHICLE. I RAN SECURITY THERE FOR AN UNKNOWN AMOUNT OF TIME. THERE WAS SOME COMMOTION IN FRONT OF THE BUFFALO WHICH WAS COLLOCATED ABOUT 10-15 METERS TO OUR RIGHT. SINCE OUR ELEMENT IS SECURITY FOR THE BUFFALO, I WENT TO THE LEFT SIDE TO HELP CONTROL THE SITUATION. THERE WERE THREE OR FOUR SOLDIERS ON THE RIGHT SIDE OF THE BUFFALO. THE BUFFALO CREW WAS SOUNDING THEIR HORN. ALL OF THE SOLDIERS ON THE RIGHT SIDE OF THE BUFFALO AND I WERE SHOOTING AT A MAN WHO WAS APPROXIMATELY 40-45 METERS FROM THE BUFFALO AND WALKING STRAIGHT TOWARD ME AND THE BUFFALO. I SHOUTED THAT I WAS GOING TO FIRE A WARNING SHOT TO INFORM THE OTHERS OF MY INTENTIONS. I FIRED A WARNING SHOT AND THE MAN JUMPED BUT CONTINUED TO ADVANCE. ONE OR TWO OTHER WARNING SHOTS WERE FIRED FROM MY RIGHT SIDE. THE MAN FLINCHED AT BOTH OF THE OTHER WARNING SHOTS AND STILL CONTINUED TO ADVANCE. I FIRED MY SHOTS CENTER MASS ON THE MAN AS HE CONTINUED TO ADVANCE. I HAD NOICE EARLIER FROM A DISTANCE, HE WAS WEARING A WHITE DASHA AND APPEARED TO BE RECENTLY SHAVEN. AFTER I FELT THAT I HAD RECEIVED EARLIER ON IN THE DEPLOYMENT, HE FIT THE DESCRIPTION OF A SUICIDE BOMBER. GIVEN THAT, COUPLED WITH THE FACT THAT HE WAS STILL ADVANCING ON US, AFTER WAVING OUR HANDS, SHOOTING (b)(6) AND WARNING TO "STOP", "AGAF", AND "QAF". AND THEN IGNORING THREE WARNING SHOTS, I FELT A DIRECT THREAT TO MY SAFETY. I STARTED SQUEEZING MY TRIGGER. THEN A 2 OR 3 ROUNDS BURST OF AUTOMATIC WEAPONS FIRE WENT OFF. STATEMENT CONTINUED ON OTHERS' (b)(6)

10. EXHIBIT H	11. (b)(6) MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6) TAKEN AT (b)(6) DATED (b)(6)"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

(b)(6)

TAKEN AT 1942

DATED 20051013

9. STATEMENT (Continued)

AFTER THE MAN FELL DOWN, THE THREE SOLDIERS WENT FORWARD OF THE POSITION, WITHIN 15 METERS OF THE IED TO PULL THE MAN INTO OUR PERIMETER IN ORDER FOR OUR MEDICS TO TREAT HIM. AFTER THE THREE SOLDIERS WERE SAFELY BACK WITHIN THE PERIMETER, I WENT BACK TO MY ORIGINAL SECURITY POSITION BEHIND THE TRUCK. AN E.G. (NAME UNKNOWN) THEN APPROACHED ME AND ASKED ME WHAT WAS GOING ON. I TOLD HIM THAT WE HAD AN IED AHEAD OF OUR POSITION (TO THE NORTH) AND THAT WE HAD ENGAGED A LOCAL NATIONAL AFTER REPEATED ATTEMPTS TO STOP HIM BY OTHER MEANS. I ASKED HIM IF HE WAS WITH EOD AND HE REPLIED THAT HE WAS WITH THE GENERAL'S PSD. UP TO THIS POINT, I WAS UNAWARE OF A GENERAL IN THE AREA. AFTER I FINALLY DID NOTICE HIM, HE WAS STANDING OVER THE MEDICS AND TALKING TO MY COMPANY COMMANDER, CAPTAIN (b)(6). AFTER THEY FINISHED TALKING, THE CO. CAME BACK TO A-16 TO TALK TO MY PLATOON LEADER 1LT (b)(6). I ASKED THE COMMANDER WHAT WAS GOING ON AND HE TOLD ME THAT WE HAD BEEN ORDERED BY THE GENERAL (NAME UNKNOWN) TO PUT OUR MEDIC WITH THE CASUALTY IN THE BACK OF AN IRAQI POLICE PICKUP TRUCK. SPLIT UP OUR ELEMENT AND LEAVE THE BUFFALO IN PLACE IN ORDER TO ESCORT THE CASUALTY IN THE TRUCK WITH THE OTHER HUMVEE IN OUR ELEMENT, TO THE NEAREST HOSPITAL. SOON THEREAFTER, A FIRE FIGHT STARTED APPROXIMATELY 4-500 METERS NORTH OF US. THE GENERAL THEN MOVED TO THE SIDE OF THE BUFFALO TO GET A BETTER VIEW OF THE FIGHT. GOING SO FAR AS TO MOVE WITH HIS PSD TO AN UNCOVERED POSITION. AFTER THE FIGHT DIED DOWN, HE CAME BACK OVER TO THE MEDICS AND STARTED DIRECTING THEM IN THE TREATMENT OF THE CASUALTY. AFTER THE MEDICS GOT HIM PREPARED TO MOVE, I STARTED TO GET READY TO GO UNDER THE ASSUMPTION THAT WE WERE STILL UNDER ORDER TO ESCORT THEM. I WAS TOLD THAT THE ORDER HAD BEEN RESCINDED, AND THAT ALL COMBAT ELEMENTS HAD BEEN ORDERED TO GO TO THE FIGHT THAT HAD RE-STARTED. END OF STATEMENT

(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR THREAT.

MADE

THREAT

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

I, (b)(6), being sworn to before me, a person authorized by law to administer oaths, depose that (b)(6) day of OCTOBER, 2005

at

(b)(6)

Iraq

(b)(6)

(Signature of Person Administering Oath)

2LT

(b)(6)

(Typed Name of Person Administering Oath)

2LT

US Army

(Authority To Administer Oaths)

INITIALS OF PERSON

ENT

(b)(6)

PAGE 2 OF 3 PAGES

PAGE 3, DA FORM

USAPA V1.00

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(1)	2. DATE (YYYYMMDD) 10/15/05	3. TIME	4. FILE NUMBER
5. GRADE/STATUS (b)(6)	6. GRADE/STATUS (b)(6)	7. GRADE/STATUS E-4	

8. ORGANIZATION AND ADDRESS
Aco 1st BSTB 2nd PLT

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

EOD was called to scene to investigate an IED we set up our cordon box on north Bowd on ramp of (b)(1) of (b)(1) a IN tried to walk up on us he was warned By voice then shown then warning shot was fired and he turned away 10-15 min later he again tried to approach from the north he was warned with hand voice the horn of The Buffalo and still keep coming ~~was~~ then the sgt (b)(6) and I Both aimed and yelled to stop and move a way and he still came on Sgt. (b)(6) then fire a warning shot in front of I IA with no effect at this point The IA cross the 30 meter kill zone and was fired on By Pfc (b)(6) with the SAW from the ~~teret~~ of the Humvee The IN fell with no movement we sent a team up to recover the IN and he was given aid. End of statement

10. EXHIBIT I	(b)(6)	11. SIGNATURE OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

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1. (b)(1)	2. DATE (YYYYMMDD) 2005/01/3	3. TIME	4. FILE NUMBER
5. (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E4	

8. A.C. 1st BSTB

9. I, SPC (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

As EOD was investigating an IED a LN started walking up from the east. We yelled for him to stop but he kept walking towards us. A unit on the ground fired a warning shot and the LN turned around and walked away. A few minutes later the same LN came walking up the on-ramp towards the Buffalo and our unit. We yelled at him and showed our weapons. Then the Buffalo + one of the Hum-Vs blew their horns. The LN kept walking at us. The LN came within 35 meters and Sgt (b)(6) fired one warning shot. The LN did not stop and kept walking @ the Buffalo and our unit. The LN passed 30 meters and kept coming. At that point I fired at the LN. He dropped down and we gave him Aid.

10. EXHIBIT J	11. INITIALS (b)(6)	ON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 20051013	3. TIME 1630	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	6. (b)(6)	7. GRADE/STATUS E-4 / SPC	
8. ORGANIZATION OR ADDRESS Aco 1ST BSTR 10TH MTN DIV			

9. I, SPC (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

As our EOD Personal was investigating an IED, a L.N. walked into our AO. SPC (b)(6) verbally warned, then gave warning shot, L.N. turned away and went behind a building. Some moments later the same L.N. appeared in the road we were operating in walking away, we (b)(6) screamed at him to get off the road, he did not respond. He then turned toward us and walked our way, we yelled at him, he gave no response, we continued to walk toward us. Then Sgt (b)(6) fired a warning shot near his feet, but the L.N. continued to walk, our gunner SPC (b)(6) called out he was 29 meters from our position, then our gunner fired and the L.N. dropped to the ground and I seen papers blow out of his hand. Sgt (b)(6) PFC (b)(6) and I ran out to check his status, I covered the body and PFC (b)(6) checked to see if he was alive, and he was, I then noticed the papers that blew from his hands was frag (b)(6)

10. EXHIBIT K	STATEMENT (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "ST" DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF SPC

(b)(6)

TAKEN AT

(b)(6)

DATED

13 OCT 05

9. STATEMENT (Continued)

money, PFC (b)(6) and I grabbed the L.V. and carried him back to our security halt, at that time we handed him to our medic PFC (b)(6) and he began treatment.

END OF STATEMENT

(b)(6)

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

(b)(6)

WAC 1B5TB 1/10 MTN

ORGANIZATION OR ADDRESS

(b)(6)

A Co 12 K5TB 1/10 MTN

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATE

(b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of October, 2005

at A Co 1B5TB

(b)(6)

Iraq

(b)(6)

2 LT

(b)(6)

(Typed Name of Person Administering Oath)

2 LT, US Army

(Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. (b)(1)	2. DATE (YYYYMMDD) 2005 10 13	3. TIME	4. FILE NUMBER
5. (b)(6)	(b)(6)	7. GRADE/STATUS E-3	
8. ORGANIZATION OR ADDRESS HHC 1 BSB medics 1/10 Mountain			
9. (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			

I noticed something was happening when I heard a single shot from one of our gunners. I couldn't see anything from my position in the hum-vee, but spc. (b)(6) let me know what was going on. Then after that initial shot I heard a burst of fire, which spc. (b)(6) indicated were kill shots. So I got out and prepared to give aid. Once our soldiers brought the casualty to our protective cordon I began aid. He had one gunshot wound to the (b)(6) with an (b)(6). After treating his wounds, he was evacuated via Iraqi ambulance.

Nothing Follows

10. EXHIBIT	11. (b)(6) PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. NAME (b)(1) <u>Irag</u>	2. DATE (YYYYMMDD) <u>20051013</u>	3. TIME	4. FILE NUMBER
5. (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS <u>E-3</u>	

8. ORGANIZATION OR ADDRESS
Aco 1st BSTB 10th MTN DIV

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

As we were on scene investigating a possible IED at the intersection of (b)(1). A male had approached from the east side of (b)(1). He was given hand signals, sirens and yelling at him to stop. He kept coming and SPC. (b)(6) fired a warning shot at which time he then stopped and turned around. Approximately 10 to 15 minutes later the same individual approached from the north on the access road. He was walking directly towards our cordon and dangerously close to the IED. Again he was given hand signals, the air horn from the buffalo, I warned with our PA system and nothing stopped him. At that point SGT (b)(6) fired a warning shot and he continued to approach. At that time my view was blocked by the buffalo. I didn't see him actually engaged because of my vantage point.

(b)(6)

(b)(6)

(b)(6)

13 OCT 05

Nothing follows

10. EXHIBIT <u>M</u>	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

SWORN STATEMENT

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PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(1) IRAQ	2. DATE (YYYYMMDD) 2005 10 13	3. TIME 1600	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS Aco 1st BSB 1st BDE 10TH MTN			

9. I, SPC (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

WE WERE ON SCENE PERFORMING DUTIES AS EOD ESCORT AT (b)(1) WHEN I HEARD ALOT OF YELLING. I LOOKED AND SAW SPC (b)(6) AND SGT (b)(6) SHOOTING AND USING THE HAND SIGNAL FOR STOP WHILE THEY YELLED AT THE MAN WALKING TOWARDS THE BUFFALO. HE KEPT WALKING TOWARDS US AS HE IGNORED ORDERS TO STOP. SGT (b)(6) FIRED A WARNING SHOT AFTER HE SHOWED INTENT TO USE HIS WEAPON. THE WARNING SHOT WAS FIRED AT HE WAS ABOUT 35M, THE BUFFALO WAS BLASTING ITS HORN PRIOR TO THE WARNING SHOT. AFTER THE WARNING SHOT THE MAN KEPT WALKING TOWARDS US AND SPC (b)(6) FIRED ON HIM, HITTING HIM IN THE ABDOMEN AT 29M. PFC (b)(6) SFC (b)(6) AND SGT (b)(6) RAN OUT TO GET HIM, THEY BROUGHT HIM BACK AND PFC (b)(6) WORKED ON HIM UNTIL HE (THE MAN) WAS TAKEN AWAY BY THE IP'S. END OF STATEMENT

10. EXHIBIT N	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

SWORN STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(1)	2. DATE (YYYYMMDD) 2005/01/13	3. TIME 1600	4. FILE NUMBER
5. LAST NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-3 Pfc	
8. ORGANIZATION A Co 1st BSTB			
9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			

We were putting security for EOD at (b)(6) & (b)(6). I was facing the rear and heard some people yelling at someone to "inches". I heard 3 or 4 people yell then I heard an air horn blow. About 10 seconds later I heard a warning shot. 3 seconds later I heard a burst from the rear. Sgt (b)(6) yelled for me and (b)(6). The 3 of us approached the man on the ground. There was (b)(6) all over the road and he wasn't moving. I approached him with my weapon on him and tapped him on the shoulder with my foot. He did not move so I bent down and looked at his face. His eyes were moving around so (b)(6) and I picked him up and carried him to our cordon and PVA (b)(6) started performing first aid.

(b)(6)
 Nothing Follows
 (b)(6)

10. EXHIBIT 0	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF _____ PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.		

SWORN STATEMENT

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PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-2	

8. ORGANIZATION OR ADDRESS

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON October 13, 2005 IN Baghdad, IRAQ

I PV2 (b)(6) WAS IN THE BUFFALO WITH SSG (b)(6) PVT (b)(6) SPC (b)(6) AS THE DRIVER, SGT (b)(6) AND SPC (b)(6) AS OBSERVERS. WE WAS ON AN IED SIGHT AT (b)(1) INTERSECTION. THREE LOCAL NATIONALS WALKED OUT OF AN ALLEY NEARBY THE CONFIRMED IED. THEY WAS ALL SIGNALLED TO GO AWAY. TWO OF THE LOCAL NATIONALS WALKED AWAY, ONE OF THE LOCAL NATIONALS WALKED INTO THE MIDDLE OF OUR CORDON. THE LOCAL NATIONAL STARTED WALKING TOWARD THE FAR SIDE OF THE CORDON. HE WAS SIGNALLED TO LEAVE THE CORDON. THE LOCAL NATIONALS TURNED AROUND AND STARTED WALKING TOWARD THE NEAR SIDE OF THE CORDON WHERE THE BUFFALO WAS LOCATED. EOD AND ESCORTS WAS LOCATED BEHIND THE BUFFALO. AT 75 METERS SPC (b)(6) BLEW THE TORN TO THE LOCAL NATIONALS MADE IT WITHIN 7 METERS OF THE IED. THE IED WAS 50 METERS IN FRONT OF THE BUFFALO. AT 50 METERS I PV2 (b)(6) WAS SIGNALING FROM INSIDE THE BUFFALO THE LOCAL NATIONALS TO GO AWAY. AT 30 METERS WARNING SHOTS WAS FIRED 3 METERS IN FRONT OF THE LOCAL NATIONAL. THE WARNING SHOT CAME FROM BEHIND THE BUFFALO. ABOUT 25 METERS DEADLY FORCE WAS USED. EOD ESCORTS WENT TO SECURE THE LOCAL NATIONAL. EOD ESCORTS BROUGHT THE LOCAL NATIONAL BEHIND THE BUFFALO IN BETWEEN EOD ESCORTS VEHICLES. THE MEDIC SET BEGAN IMMEDIATE AID.

10. EXHIBIT P	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____

PAGE _____ OF _____ PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(6) Irey	2. DATE (YYYYMMDD) 2005 10 14	3. TIME	4. FILE NUMBER
5. FIRST NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS Apo 13 Bstb			

9. I, Sgt. (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On Thursday 13 Oct 2005 the Buffalo Crew (SSG (b)(6) SGT (b)(6) SPC (b)(6) SPC (b)(6) and Pfc (b)(6)) was sitting on the (b)(1) on ramp providing cover for E.O.D. We had already positively identified the suspected item as an I.E.D., so the next step we took was cordoned off the area to protect ourselves and the Local Nationals. While sitting in our cordon 3 Local Nationals approach the I.E.D. and we quickly begin to get their attention for their own safety. As the Buffalo Crew blew the horn, waved our's, and screaming to get their attention to direct them in a different direction. 2 of the Local Nationals turned right and went down the 1st street near the I.E.D. as the 3rd Local National continue to walk towards our inner cordon. E.O.D. escort begin to start firing warning shots at him and he keeps walking towards our inner cordon. The Local National finally was shot by Pfc (b)(6) when he was about 20-25 meters away from us. Nothing follows (b)(6)

10. EXHIBIT Q	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAW

(b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 14 OCT 05	3. TIME 1349	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6)	6. GRADE/STATUS (b)(6)		7. GRADE/STATUS E-4 SPC

8. ORGANIZATION OR ADDRESS
A-EO 1ST BSB

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

we were waiting on (b)(2) low to arrive at an FEO site and, seeing the area, were moving people away from our perimeter. three men were approaching, and I was warning them to move away. I walked away, the third kept coming. despite multiple attempts to get him to stop, a warning shot was fired & impacted directly in front of him. he stopped for a second, then kept coming. I saw that he was holding something in his right hand. when he was about 20 meters away, I saw 3 rounds strike him, and he collapsed. after about a minute, 3 soldiers I couldn't identify went out to check him, and they returned him to our area, where aid was available.

END OF STATEMENT

10. EXHIBIT R	11. INITIAL (b)(6)	ON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

(b)(6)

TAKEN AT

1349

DATED

140005

9. STATEMENT (Continued)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH (b)(6) ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY (b)(6) TOWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE (b)(6)

(b)(6) Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 2005 10 14	3. TIME 1400	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-4/SPL	
8. ORGANIZATION OR ADDRESS A Co 1B3TB 1/10 MTN DIV			

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During a route clearance mission on Thursday the 13th of October, 2005, our unit found an IED. The EOD team came to the scene to eliminate the IED. Local Nationals were told to leave the area. I saw three men approaching and watched multiple Soldiers tell them to get off the street. Two of the men left while the third man continued on. We watched him walk past the IED and toward the buffalo. The yelling and signaling did not convince him to leave. He started move faster towards us in the buffalo as if intending to do something radical. A soldier from the EOD team, whom I did not see, fired warning shots. The man still continued and the same soldier made a critical decision to defend the Buffalo and the troops inside. With his crew served weapon, the soldier disabled the man a short distance from the Buffalo. The man was recovered and taken to a hospital.

END OF STATEMENT

(b)(6)	(b)(6)	(b)(6)
(b)(6)	(b)(6)	(b)(6)

10. EXHIBIT S	INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6)

WITNESSES:

(b)(6)

ACO 1ST BSIB 1/10 MTN

ORGANIZATION OR ADDRESS

(b)(6)

PFC

(b)(6)

(b)(6)

ACO 1ST BSIB 1/10 MTN

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INI (b)(6) PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(6) Iraq	2. DATE (YYYYMMDD) 20051014	3. TIME 1350	4. FILE NUMBER
5. NAME (LAST, FIRST, MIDDLE NAME) (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-6/556	
8. ORGANIZATION OR ADDRESS AGG 1st BSB 10th Mtn Div.			

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 13 ~~Oct~~ OCTOBER 2005, During a route clearance mission, cordon. A local national approached our cordon on the far side and was turned away. He then approached our cordon on the side that my vehicle was on. Personnel in the cordon shouted at him and motioned for him to go away because he was right next to the IED in which was found. The local national did not stop or leave and kept approaching. When he was around 50 meters away I heard warning shots fired, and the local national stopped and then began walking toward the cordon again. I then heard and seen 2 short bursts from an automatic weapon fire and hit the man in which cause him to collapse to the ground. After he collapsed soldiers from the cordon moved forward to the man and check him for booby traps and injuries, and then carried him behind my vehicle. -End of Statement-

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

10. EXHIBIT

T

11. INITIALS

(b)(6)

MAKING STATEMENT

PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH (b)(6). I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES